

**2013 CITY OF SAN JOSE – AMSP NEGOTIATIONS  
TENTATIVE AGREEMENT**

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**UNION PROPOSAL #7 – LEAVES OF ABSENCE**

Proposed Language:


**LEAVES OF ABSENCE**

- (X).1 All requests for leaves of absence without pay shall be made in writing. The appointing authority, or his/her designated representative, may grant an employee a leave of absence without pay for good and sufficient reason, not to exceed twelve (12) months. Such leaves may, however, be extended, not to exceed an additional six (6) months, upon written request of the employee, subject to approval of the appointing authority, or his/her designated representative. Written requests for an extension of a leave shall be submitted prior to the expiration of the leave.
- (X).2 Appointing authority may grant leaves of absence without pay for an employee to work on Union business. Such leaves are subject to all the provisions in the Article.
- (X).3 Any leave granted pursuant to the provisions contained herein may be canceled by the appointing authority by notice in writing mailed to the employee at the employee's address on file in the Human Resources Department or such other address as the employee may designate. Such notice shall be by registered mail, return receipt requested and shall be mailed not later than thirty (30) days prior to the effective date of the cancellation of the leave. Failure of the employee to return to work on the first scheduled work day after the effective date of the cancellation, or on the first scheduled work day following the expiration of a leave, shall be considered a voluntary resignation, unless the failure to return is due to extenuating circumstances beyond the control of the employee. Each employee who is granted a leave pursuant to the provisions of this Article shall, upon return from leave, be entitled to a position within a classification held by the employee at the time the leave commenced.
- (X).4 If the position to which an employee would otherwise be entitled pursuant to the above has been deleted from the department's budget during the term of the employee's leave of absence, the employee shall, upon return from leave, be entitled to a position within the classification held by the employee at the time the leave commenced, provided there is either a vacancy in such classification or an employee in the classification with less seniority whose duties the returning employee is qualified to perform.
- (X).5 The employee is responsible for coordinating the return to work following a leave of absence. Prior to returning from a leave of absence, the employee shall contact the supervisor to ensure that all necessary documents have been completed and steps taken.
- (X).6 For the purposes of this Article, seniority shall be defined in accordance with Section (X) of Article (X), entitled Layoff.

(X).7 Any employee who is absent without notification to their Department Director, or other designated authority, for two (2) consecutive workdays, shall be considered a voluntary resignation, unless the failure to report is due to extenuating circumstances beyond the control of the employee.

(X).8 Employees who have been separated from City service for failure to return from leave, or failure to report, and whose failure is determined to be the result of extenuating circumstances beyond their control shall be reinstated.

## FOR THE CITY:


 5-30-13

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Alex Gurza Date  
Deputy City Manager

**FOR THE UNION:**


**FOR THE UNION:**

  
\_\_\_\_\_ 5/30/2013

Date \_\_\_\_\_ Date \_\_\_\_\_

President \_\_\_\_\_

AMSP, IFPTE, Local 21

 5/30/13  
Mike Seville Date  
Business Agent  
IFPTE, Local 21